

**STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION  
81 Higuera Street, Suite 200  
San Luis Obispo, CA 93401-5427**

**ADMINISTRATIVE CIVIL LIABILITY  
ORDER NO. 97-43**

**IN THE MATTER OF  
  
THE COUNTY OF MONTEREY  
JOLON ROAD  
CLASS III LANDFILL**

The Regional Water Quality Control Board, Central Coast Region, finds:

1. Monterey County (hereafter the Discharger), Jolon Road Class III Landfill violated provisions of law, or orders of the Regional Water Quality Control Board, Central Coast Region (hereafter the Board), for which the Board may impose civil liability under Section 13385 of the California Water Code.
2. The State Water Resources Control Board adopted the statewide General Industrial Storm Water Permit (General Permit), Order No. 91-13-DWQ (as amended by Order No. 92-12-DWQ) on September 17, 1992.
3. On October 24, 1992 the Discharger was issued Permit Number 3 27S005641 for the Jolon Road Class III Landfill under the General Permit. The General Permit mandates Provision C.2., development and implementation of a Storm Water Pollution Prevention Plan which incorporates Best Management Practices for control of storm water runoff from industrial sites.
4. The Discharger has violated California Water Code Section 13385 (a)(2), 13385 (a)(5) and NPDES Permit Number 3 27S005641 by violating Provision C.2., development and implementation of a Storm Water Pollution Prevention Plan. The Discharger failed to implement Best Management Practices for control of storm water runoff from the site, which resulted in severe erosion on landfill slopes, exposure of waste and discharge of trash and excessive sediments to surface waters.
5. The violation occurred over a period of time between staff inspections conducted on November 26, 1996 and February 4, 1997.
6. Beneficial uses of surface waters affected by the discharge include domestic water supply and wildlife habitat.
7. The Executive Officer of the Regional Board issued Complaint No. 97-36 on April 28, 1997 pursuant to Section 13323 of the California Water Code for violations of Water Code Section 13385. The complaint proposed imposing an administrative civil liability in the amount of \$15,000.
8. A public hearing was held before the Regional Board on May 30, 1997, in Salinas, California. The Discharger was given an opportunity to be heard and to contest the allegations in

May 30, 1997

Complaint No. 97-36 and imposition of civil liability by the Regional Board.

9. In determining the amount of civil liability imposed pursuant to Section 13385 of the California Water Code, the Regional Board considered the nature, circumstances, extent, gravity of the violation, and with respect to the violator, the ability to pay, any prior history of violations, the degree of culpability, economic savings, if any, resulting from the violations, and other matters as justice may require. In determining the amount of civil liability, the

Regional Board considered the "Work Sheet for Assessment of Administrative Civil Liability for the Jolon Road Class III Landfill".

10. This enforcement action is taken for the protection of the environment and as such is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) in accordance with Section 15321, Chapter 3, Title 14, California Code of Regulations.

**IT IS HEREBY ORDERED**, pursuant to Section 13385 of the California Water Code, the County of Monterey is assessed a total civil liability of fifty thousand dollars (\$50,000), based on consideration of statutory factors in Section 13385 of the California Water Code, to be paid as follows:

1. A sum of \$15,000 to be paid to the Regional Water Quality Control Board by June 30, 1997. The check shall be made out to the State Water Resources Control Board.
2. The remaining sum of \$35,000 to be paid within thirty (30) days of written notification from the Executive Officer that the County of Monterey has failed to comply with the time schedule set forth in Cease and Desist Order No. 97-42, or any subsequent amendments to the time schedule in Cease and Desist Order No. 97-42 which are adopted by the Board to authorize a delay which the Board determines is an excusable delay beyond the reasonable control of the County of Monterey.

I, Roger W. Briggs, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the Regional Water Quality Control Board, on May 30, 1997.

  
for Executive Officer

6-10-97

Date